



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

JAMES E. JOHNSON
Acting Corporation Counsel

Janice Birnbaum
Phone: (212) 356-2 085
Email: jbirnbaum@law.nyc.gov

May 27, 2020

By ECF

Honorable Steven L. Tiscione, U.S.M.J.
U.S. District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Garcia v. Carranza*, 19 CV 3342 (ERK/SLT)

Dear Magistrate Judge Tiscione:

I am a Senior Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, and counsel for Defendants in this action. Defendants are the New York City Department of Education (“DOE”), DOE Chancellor Carranza, and the City of New York.

I write to request a 3-week extension of the filing date for Defendants’ response to the Complaint, from May 29 to June 19, 2020. Plaintiffs’ counsel consent to this request. As Your Honor is aware, this is a complicated case in which Plaintiffs, four limited English proficient (“LEP”) parents of students with disabilities, as the term is defined in the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.*, (“IDEA”), seek Citywide systemic relief in regard to DOE’s provision of language access services. They assert that the DOE’s alleged failure to provide such services has deprived them of the opportunity to participate fully and meaningfully in their children’s education.¹ On April 28, 2020, the Court approved a requested extension of Phase I, which concerns settlement, to July 28, 2020, and related dates. Defendants did *not* seek an extension of time to respond to the Complaint with that extension request, because we believed, at that point, that we would not need additional time.

However, at this juncture, it has become clear that we will not be able to complete our factual investigation to the extent needed to respond to the complaint, given the difficulties

¹ Plaintiffs’ claims are asserted under the IDEA, Title VI (42 U.S.C. § 2000d, *et seq.*), the Equal Educational Opportunities Act (“EEOA”; 20 U.S.C. § 701, *et seq.*), and the New York City Human Rights Law (N.Y.C. Admin. Code § 8-101, *et seq.*) to be free from discrimination on the basis of national origin, to secure language access, and to participate fully in their children’s educations. Complaint, ¶¶1-4.

caused by the pandemic. This includes the fact that school staff with knowledge are working remotely from home. Accordingly, Defendants request an additional three weeks to respond to the Complaint. Plaintiffs' counsel consent to this request. It is Defendants' fifth request for an extension of time to respond to the complaint. All have been previously granted, and all have been on consent. The requested extension does not affect any other dates.

I thank the Court for its consideration of this request.

Respectfully,

/s/

Janice Birnbaum
Senior Counsel

cc. Plaintiffs' Counsel by ECF